

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number  
22-46836

In re application of: Robert B. Rieveley

Group Art Unit:

Application No. 08/804,903

Batch No.

Filed: February 24, 1997

Examiner:

For: METHOD AND COMPOSITION FOR THE TREATMENT OF DIABETES

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, DC 20231

**RECEIVED**  
DEC 8 1997  
OFFICE OF PETITIONS  
DEPT. OF COMMERCE

The above-identified patent application became abandoned for failure to file a timely and proper response to the Notice to File Missing Parts mailed on May 16, 1997, which set a two month period for response. The abandonment date of this application is July 6, 1997. Applicant certifies that the Notice to File Missing Parts was never received at the correspondence address listed on the Associate Power of Attorney filed with the patent application on February 24, 1997. Applicant therefore requests a refund of the petition fee set forth in 37 CFR § 1.17(m) (enclosed herewith) to Deposit Account No 02-4550.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**
**1. Petition fee**

- (X) Small entity - fee \$ 605.00 (37 CFR § 1.17(m))  
 ( ) Small entity statement enclosed herewith.  
 (X) Small entity statement previously filed.  
 ( ) Other than small entity - fee \$1210.00 (37 CFR § 1.17(m))

**2. Proposed response and/or fee**

- A. The proposed response and/or fee in response to the above-noted Notice to File Missing Parts:  
 ( ) has been filed previously on \_\_\_\_\_.  
 (X) is enclosed herewith.
- B. The issue fee of \$605.00  
 ( ) has been paid previously on \_\_\_\_\_.  
 ( ) is enclosed herewith  
 (X) is not yet required.

3. Terminal disclaimer with disclaimer fee

(X) Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

( ) A terminal disclaimer (and disclaimer fee (37 CFR § 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

Where a petition under 37 CFR § 1.137(b) is not filed within three months from the mail date of a notice of abandonment or one year from the date of abandonment, explain (on an attached sheet) in detail the cause of the delay in filing this petition.

December 4, 1998

Date

*William D. Noonan*

Signature

Telephone

Number: (503) 226-7391

William D. Noonan, M.D.

Typed or printed name

Klarquist Sparkman Campbell Leigh & Whinston, LLP  
One World Trade Center  
121 SW Salmon Street, Suite 1600  
Portland, Oregon 97202

Enclosures: (X) Response  
(X) Fee Payment

By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with the sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

December 4, 1998

Date

*William D. Noonan*

Signature

William D. Noonan, M.D.

Typed or printed name of person signing Certificate

Attorney's Matter No. 22-46836

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit

Robert B. Rieveley

Application No. 08/804,903

Filed: February 24, 1997

For: METHOD AND COMPOSITION FOR  
THE TREATMENT OF DIABETES

Examiner:

Date: December 4, 1998

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on December 4, 1998 as First Class Mail in an envelope addressed to: BOX DAC, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

*William D. Noonan*  
William D. Noonan, M.D.  
Attorney for Applicant

**RECEIVED**  
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DEPUTY A/C PATENTS

EXPLANATION OF DELAY IN FILING PETITION TO REVIVEASSISTANT COMMISSIONER FOR PATENTS  
Washington, DC 20231

The Notice of Missing Parts in this application was never received by the applicant's attorney. The first notification applicants had that the application had become abandoned was the Notice of Abandonment dated November 16, 1998, which was received by applicant's attorney on November 30, 1998.

Since applicant's attorney had received the postcard receipt from the Patent and Trademark Office (PTO) (copy attached), this case had been removed from the attorney's docket, because receipt of the application had been confirmed by the PTO. According to the Notice of Abandonment, a Notice of Missing Parts was mailed on May 6, 1997, and it is expected that a two month period set for response was set, making a response due by July 6, 1997. That Notice of Missing Parts was never received at applicant's attorney's firm.

All documents received from the PTO are processed through the firm's docketing department, and entered into the docketing system. No entry for July 6, 1997 (the date that the Missing Parts would presumably have been due) appears in the firm's docketing calendar (a copy of all entries for that date is attached). Moreover, there is no

copy of the Notice of Missing Parts in the file, and there is no entry on the front of the file, under the heading of Actions and Amendments, indicating that a Notice of Missing Parts was ever received from the PTO. It is the policy of the firm that all documents filed with and received from the PTO are entered on the front of the file when they are placed in the file. A copy of the front of the file is attached, showing only that the Information Disclosure Statement was filed on May 12, 1997.

Applicant's have no record of having received the Notice of Missing Parts. Although a Petition to Revive has been filed with the appropriate fee, applicant requests that the \$605 fee be refunded and the holding of abandonment be withdrawn.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP

By \_\_\_\_\_  
William D. Noonan, M.D.  
Registration No. 30,878

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391

cc: Gerald O.S. Oyen, Esq.  
S:\WPDOCS\WDN\FORMS\TRANSMIS.PAR

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

Docket Date	Client	Matter Number	Matter Description Response Due	Action Remark	Page 1 Official Number Country/Court
07/03/98	SHAKLEE CORP. (INT', RJP KSK	P37096	NATURAL ANTIOXIDANT COMPOSITIONS DEF. EXAM	INSTRUCTIONS INSTR TO ASSOC 6/18/98	171179-91 JAPAN
	____ REMOVE - Comment:				
07/03/98	04359 INTERLAB, INC. AGP DJE	P41724	XANTHONE ANALOGS FOR THE TREATMENT OF I 3 MON OFFICE ACTION	2 MON EXTENSION	08/619063 USA
	____ REMOVE - Comment:				
07/03/98	00450 FREIGHTLINER CORP DPP JRM	P44297	A TRUCK WITH MONITORED AND RESETTABLE E 3 MON OFFICE ACTION	3 MON RESPONSE	08/673697 USA
	____ REMOVE - Comment:				
07/03/98	04805 TREE CONNECTION DPP RJP	P46559	APPLE TREE NAMED "Pi-A 11,124 MISSING PARTS	EXTENSION TO PTO 6/17/98	09/003093 USA
	____ REMOVE - Comment:				
07/03/98	04371 EDX ENGINEERING, IN TB GAW	L46798	EDX ENGINEERING, INC. V. ADVANCED SIGNA DEF TESTIMONY CLOSE	DEF TEST CLOSE	26,116
	____ REMOVE - Comment:				
07/03/98	05564 MICROMANIPULATOR CO JEG	L47342	CASCADE MICROTECH, INC. V. MICROMANIPUL DISPOSITIVE MOTIONS	MOTIONS DUE	97-479-AI
	____ REMOVE - Comment:				
07/03/98	04239 NATIONAL INSTITUTES WDN DJE	P47578	IDENTIFICATION OF THE NIEMANN-PICK C GE PROVISIONAL APPLICATION DATES	PROV/FFDEADLINE	60/051682 USA
	____ REMOVE - Comment:				
07/03/98	00450 FREIGHTLINER CORP	L48793	FRANK T. BUCKLEY, JR. V. PACCAR INC., E RESP TO BUCKLEY'S 1ST INTERROGS	E RESPONSE	AW-97-3425 DISTRICT OF MARYL

Best Available Copy

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PROV/FFL EXT

60/067798  
USA

## KEYSAFFE

REPLY DUE  
TO BE ABANDONED

12136/97  
HONG KONG

RESPONSE DUE  
TO BE ABANDONED

12135/97  
HONG KONG

IDS

09/054938  
USA

PRECAUT DESIGN

US98/06623  
PATENT COOP

PRECAUT DESIGN

US98/06692  
PATENT COOP

DEF. EXAM

2046194  
CANADA

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

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Docket	Client	Matter Number	Matter Description Response Due	Action Remark	Official Number Country/Court
07/04/98 05265	RUSSELL R. HOLTZ	P46618	METHOD OF IMPROVING OUTCOME OF CARDIOPU PCT DEADLINES	CHAPTER II DEMD	US97/22103 PATENT COOPERATIC
WDN					
07/04/98 03812	FANCONI ANEMIA RESE	P48615	CDNA FOR FANCONI ANEMIA COMPLEMENTATION PCT DEADLINES	NAT'L PHASE 21M	US97/18010 PATENT COOPERATIC
RJP DJE					
07/04/98 04239	NATIONAL INSTITUTES	P49873	CYCLIN DEPENDENT KINASE (CDK) 4 INHIBIT INVITATION TO CORRECT DEFECTS	REPLY	US98/08602 PATENT COOPERATIC
WDN SCS AWB					
07/05/98 00449	FRED MEYER, INC.	T34454	GLACIERS EDGE SEC 8 & 15	6 MON REMINDER	120275 USA
KSK					
07/05/98 01011	MENTOR GRAPHICS COR	T35332	IDEALEASE SEC 8 & 15	6 MON REMINDER	192505 USA
P RAK					
07/05/98 03847	PENNTech PAPERS, IN	T35785	PENNCOPY & DESIGN SEC 8 & 15	6 MON REMINDER	121559 USA
JSL					
07/05/98 00449	FRED MEYER, INC.	T36427	FRED BEAR SEC 8 & 15	6 MON REMINDER	272855 USA
KSK					
07/05/98 00245	WASTE TREATMENT SYSTEM EMPLOYING OPEN C	P37849	1 MON EXTENSION		08/730514

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

Docket	Date	Client	Matter Number	Matter Description	Response Due	Action Remark	Official Number	Country/Court	Page
RJP DJE		OREGON STATE UNIVER			3 MON FINAL OFFICE ACTION			USA	4
		____ REMOVE - Comment:							
07/05/98	03897	BLOUNT, INC.	T38184	SPEER	TM RENEWAL	2 MON REMINDER	135772	USA	
		____ REMOVE - Comment:							
07/05/98	03382	MICROSOFT CORPORATI	P41920	MORPHOLOGICAL SEARCH AND REPLACE	NOTIFICATION OF NON-COMPLIANCE	RESPONSE	08/491750	USA	
SAW		____ REMOVE - Comment:							
07/05/98	02621	METRO ONE TELECOMMU	T44680	METRO ONE	"COOLING-OFF" PHASE TERMINATES	"COOLING-OFF"	139758	COMMUNITY TRADEM	
RJP DPP		____ REMOVE - Comment:							
07/05/98	04641	NIKON	P45599	ENVIRONMENTAL SCANNING ELECTRON MICROSC	3 MON OFFICE ACTION	6 MON DEADLINE	08/732163	USA	
DLS JSL		____ REMOVE - Comment:							
07/05/98	04630	WASHINGTON STATE UN	P45757	CONDITIONALLY MALE FERTILE PLANTS AND M	3 MON FINAL OFFICE ACTION	2 MON REMINDER	08/718229	USA	
JC DLS AED		____ REMOVE - Comment:							
07/05/98	00450	FREIGHTLINER CORPOR	L48793	FRANK T. BUCKLEY, JR. V. PACCAR INC., E	RESP TO BUCKLEY'S 1ST DOC REQUESTS	RESP DOC REQS	AW-97-3425	DISTRICT OF MARYI	
JDV JTD		____ REMOVE - Comment:							
07/05/98	05050	BOISE CASCADE OFFIC	T49111	CONSIDER IT DONE.	FOREIGN FILING		75/415040	USA	
JSL LMC		____ REMOVE - Comment:							



Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

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Docket Date	Client	Matter Number	Matter Description Response Due	Action Remark	Offical Number Country/Court	
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___ REMOVE - Comment: _____						
07/06/98	02791	T39570	DYNIX POSSIBLE OPPOSITION	DEADLINE	57453 BENELUX	
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07/06/98	03382	P43001	A METHOD AND SYSTEM FOR RENDERING GRAPH 3 MON FINAL OFFICE ACTION	3 MON RESPONSE FILED BY FAX 6/8/98	08/671497 USA	
JRM	WYC	-----				
___ REMOVE - Comment: _____						
07/06/98	01505	P43566	METHODS FOR FUNCTIONALIZING AND COATING FORMAL DRAWINGS	EXTENSION TO BE FILED BY CLT	08/565199 USA	
SCS	-----					
___ REMOVE - Comment: _____						
07/06/98	04420	P44118	GATE ARRAY WITH FULLY WIRED MULTIPLEXER ISSUE FEE	DEADLINE TO PTO 5/29/98, PC REC'D	08/695068 USA	
MLB	RFS	-----				
___ REMOVE - Comment: _____						
07/06/98	04641	P45472	EXPOSURE METHOD AND DEVICE ISSUE FEE	DEADLINE	08/713632 USA	
DLS	JSL	-----				
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07/06/98	00612	T46229	SUPRA FILE EVIDENCE RE REVOCATION ACTION	DEADLINE	2028626A UNITED KINGDOM	
WYC	GVB	-----				
___ REMOVE - Comment: _____						
07/06/98	05763	P47861	ELEMENT OF A MIDSOLE EXAMINER'S REPORT	RESPONSE	1997-1595 CANADA	
GAW	KJB	-----				
___ REMOVE - Comment: _____						

Docket Date	Client	Matter Number	Matter Description Response Due	Action Remark	Official Number Country/Court
07/06/98	00245 OREGON STATE UNIVER	P48291	FLORAL HOMEOTIC GENES FOR MANIPULATION APPLICATION STATUS	STATUS CHECK	60/080851 USA
DJE RJP					
REMOVE - Comment:					
07/06/98	04641 NIKON	P48406	CHARGED-PARTICLE-BEAM PATTERN-TRANSFER MISSING PARTS	MISSING PARTS	09/048236 USA
DLS JSL LMC					
REMOVE - Comment:					
07/06/98	04239 NATIONAL INSTITUTES	P48989	INHIBITION OF IGE-MEDIATED ALLERGIES BY PCT DEADLINES	CHAPTER II DEMD	US97/22348 PATENT COOPERATIC
WDN DJE					
REMOVE - Comment:					
07/06/98	04239 NATIONAL INSTITUTES	P48989	INHIBITION OF IGE-MEDIATED ALLERGIES BY FILE CHAPTER II DEMAND	FILE DEMAND #029-98	US97/22348 PATENT COOPERATIC
WDN DJE					
REMOVE - Comment:					
07/06/98	03382 MICROSOFT CORPORATI	L49466	REIFFIN V. MICROSOFT CORP. INITIAL DISCLOSURE OF PRIOR ART	DISCLOSURE	C98-00266VRW N.D. CAL.
J JDV JEG RFS					
REMOVE - Comment:					
07/06/98	04641 NIKON	P49555	CHARGED-PARTICLE-BEAM PATTERN-TRANSFER IDS	IDS	09/055814 USA
DLS JSL MJ					
REMOVE - Comment:					
07/06/98	04641 NIKON	P49555	CHARGED-PARTICLE-BEAM PATTERN-TRANSFER APPLICATION STATUS	STATUS CHECK	09/055814 USA
DLS JSL MJ					
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07/06/98	04239 NATIONAL INSTITUTES	P49685	MAMMALIAN SELENOPROTEIN DIFFERENTIALLY APPLICATION STATUS	STATUS CHECK	60/080850 USA

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Docket Date	Client	Matter Number	Matter Description	Response Due	Action Remark	Official Number	Country/Court
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07/06/98	04050	P49927	METHOD FOR PRODUCTION OF NUTRITION PHYS APPLICATION STATUS		STATUS CHECK	09/051270	USA
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\*\*\*\*\* MASTER DOCKET PRINT JOB COMPLETED \*\*\*\*\*

Patent No.

Patent Date

Gerald O.S. Oyen, Esq.  
Oyen Wiggs Green & Mutala  
480 - The Station  
601 West Cordova Street  
Vancouver, BC V6B 1G1  
CANADA

601/669-3432  
601/681-4081 - Fax

Client Name:

Oyen Wiggs Green & Mutala

Application No.

08/804,903

Inventor(s)

Robert B. Riewley

Application Filed

8/24/97

Date app sent to PTO

8/24/97

Title *Method and Composition for the Treatment of Diabetes*

ACTIONS/AMENDMENTS

DATE ACTION

1 5/21/97 ~~105~~ 1DS

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ACTIONS/AMENDMENTS

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ACTION

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Corresponding Dockets:

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Entity Status at Filing?

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